

**AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER**

03- ○ -0455

**AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE
XVII OF THE CODE OF ORDINANCES FOR THE CITY
OF ATLANTA TO PROHIBIT PRICE GOUGING AND
SIMILAR PRACTICES AT PARKING FACILITIES
THROUGHOUT THE CITY; AND FOR OTHER
PURPOSES.**

WHEREAS, the sports, entertainment and tourism industries are important components of the economy of the City of Atlanta;

WHEREAS, parking facilities are a primary point of contact for those visiting or attending events within the City of Atlanta;

WHEREAS, price gouging at parking facilities within the city is detrimental to the image of the City of Atlanta and its economic vitality;

WHEREAS, price gouging can contribute to confusion and disorder at the entrances to and within parking facilities that can add to already congested traffic on the streets of the City of Atlanta; and

WHEREAS, further congestion in these areas can further increase the threats to public safety that this congestion can create.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ATLANTA, THE FOLLOWING:**

SECTION 1: That Section 30-1196. Definitions. be amended to include the following words, terms and phrases:

Consumer means any person who does or would purchase, lease (from), or otherwise receive through payment, access to a parking facility, and the temporary or permanent consent of the owner or agent of the owner, to utilize a given space within the parking facility for the purpose of parking a vehicle.

Fixed annual price means the fixed fee, as submitted to the city, that will be charged for access to a parking facility, and the temporary or permanent consent of the owner or

agent of the owner, to utilize a given space within the parking facility for the purpose of parking a motor vehicle.

Park-for-hire means any facility for the parking of motor vehicles, for which service or facility the owner, agent of the owner or operator thereof charges a fee.

Parking facility means any parking lot, parking garage or any other area provided for the principal purpose of supplying parking for motor vehicles.

SECTION 2: That Section 30-1081. Investigation, report on application. be amended so that the new Section 30-1081 shall read as follows:

Section 30-1081. Required; application.

- (a) Before any lot or building may be used for new off-street public parking facilities and before any off-street public parking facility may be expanded, the owner of the lot or building or the operator of the facility must first obtain from the mayor and council a permit for that use.
- (b) The application for the permit shall be filed with the bureau of traffic and transportation and shall contain the following information:
 - (1) The address and location of the lot or building involved;
 - (2) The capacity of the proposed facility;
 - (3) The proposed location of entrances and exits to the facility;
 - (4) The capacity and location of the reservoir space to be used for the receiving and temporary storage of incoming vehicles;
 - (5) The proposed parking plan showing the size and location of the parking stalls and the aisles to serve them;
 - (6) The location, width and general design of ramps or elevators to be used inside of structures;
 - del* (7) The fixed price, per space, which will be charged annually for parking upon or within the proposed park-for-hire facility.
 - (8) Any other information required to enable the mayor and council to make a fair and complete appraisal of the operation of the proposed parking facility; and

SECTION 3: That Section 30-1082. Fee. be amended so that the new Section 30-1082 shall read as follows:

Section 30-1082. Annual renewal permit and fees.

- (a) The applicant for a permit required by this division shall pay to the city an application fee before such application is submitted to the mayor and council. Such application fee shall consist of a fixed charge of \$100.00. The annual renewal permit fees for a parking lot/garage are \$250.00 per lot. Additionally, annual renewal fees for a parking space in a parking facility are \$3.00 per space. The annual application

for the renewal of a permit shall include information including, but not limited to, the following:

- (1) The address and location of the lot or building involved;
- (2) The fixed annual price, per space, which will be charged annually for parking upon or within the park-for-hire facility;
- (3) The capacity of the facility;
- (4) The location of entrances and exits to the facility;
- (5) The capacity and location of the reservoir space used for the receiving and temporary storage of incoming vehicles;
- (6) The existing parking plan showing the size and location of the parking stalls and the aisles to serve them;
- (7) The location, width and general design of ramps or elevators to be used inside of structures; and
- (8) Any other information required to enable the mayor and council to make a fair and complete appraisal of the operation of the parking facility.

- (b) There shall be no refund of such application fee if the permit is rejected by the mayor and city council or due to circumstances that are not under the control of the city. However, the applicant may resubmit the application within 90 days of rejection by the mayor and council without paying an additional application fee.

SECTION 4: That Section 30-1208. Reserved. be amended so that the new Section 30-1208 shall read as follows:

Section 30-1208. Increase to fixed annual price limited.

- (a) *Increase to the fixed annual price.* Prior to sixty (60) days before a proposed permanent increase of the approved fixed annual price, the owner or the agent of the owner of any park-for-hire facility within the city must first obtain from the mayor and the city council a permit to allow for a permanent increase of the fee to be charged for access to the parking facility, for the purpose of parking a motor vehicle.
- (1) The owner or agent of the owner of any park-for-hire facility shall make available upon demand, to any consumer or agent of the city, a copy of the permit for a permanent fixed annual price as approved by the mayor and the city council.
 - (2) A permit for a permanent increase of the fixed annual price shall be for a consecutive period not less than ninety (90) days.

(3) No permit for a permanent increase of the fixed annual price shall be granted by the city between November 1 of any current calendar year and January 1 of the following year. 7.

(b) *Temporary permit.* Prior to sixty (60) days before any proposed temporary increase of the approved fixed annual price, the owner or the agent of the owner of any parking facility within the city must first obtain from the mayor and the city council a permit to allow for a temporary increase of the fee to be charged for access to the parking facility, for the purpose of parking a motor vehicle.

(1) The owner or agent of the owner of any parking facility shall make available upon demand, to any consumer or agent of the city, a copy of the temporary price increase permit as approved by the mayor and the city council.

(2) A temporary permit for an increase of the fixed annual price shall be for a consecutive period not less than three (3) days.

(3) A temporary permit for an increase of the fixed annual price shall be for a consecutive period not to exceed ten (10) days.

(c) *Specifically prohibited.* Within any given consecutive period of ninety (90) days, no owner or agent of the owner of any parking facility within the city shall cause, permit or allow the fee charged for access to the parking facility, for the purpose of parking a motor vehicle, to be increased more than 100% of the approved fixed annual price, as provided according to the requirements of Section 30-1081 (8).

SECTION 5: That Section 30-1205. Notices. be amended so that the new Section 30-1205 shall read as follows:

Section 30-1205. Notices.

All park-for-hire facilities shall post a notice at any entrance to the parking facility, which shall be reasonably visible to a customer in the driver's seat of a vehicle after the vehicle is at least partially on the parking facility premises and which notice shall set forth:

(1) The telephone number of the principal office of the operator of the parking facility;

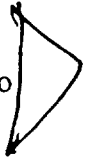
(2) The business hours of operation of that parking facility, i.e., time of opening and closing;

(3) The approved fixed annual price which shall be required of any parking patron for the use of the park-for-hire facility, in characters not less than eight (8) inches in height, and not more than fourteen (14) inches in height.

(4) During the approved period for the permit for a temporary increase to the fixed annual price, any fee approved as a temporary increase of the fixed annual price, in characters not less than eight (8) inches in height, and not more than fourteen (14) inches in height.

SECTION 6: That Section 30-1209. Reserved. be amended so that the new Section 30-1209 will read as follows:

Section 30-1209. Enforcement procedures.

- (a) Violation of any provision of this article shall be cause for a citation to be issued by any police officer or any other sworn city personnel, according to procedures set forth in the City Code of Ordinances.
- (b) In lieu of issuing a citation, the City can issue an order requiring any parking facility found in violation of this article to meet compliance within a reasonable period, not to exceed thirty (30) days, according to the guidelines that the City may prescribe. 
- (c) *Penalties.* Any person convicted of a violation of any provision of this article shall be subject to the following penalties:
 - (1) *First offense.* A fine not more than \$500.00, or a period of confinement in the city jail not to exceed ten (10) days and a probationary period not to exceed sixty (60) days, or both.
 - (2) *Second offense.* A fine not more than \$1,000.00, or a period of confinement in the city jail not to exceed thirty (30) days and a probationary period not to exceed one-hundred eighty (180) days, or both.
 - (3) *Third offense.* A fine of \$1,000.00, or a period of confinement in the city jail not to exceed six (6) months and a probationary period not to exceed one (1) year, or both.
 - (4) *Revocation of permit.* In addition to any other penalties provided in this section, any permit issued to the owner or the agent of the owner of any park-for-hire facility found in violation of any provision of this article two (2) or more times within any one (1) year period shall be subject to revocation.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed. ~~~

ARTICLE XVII. PARKING LOTS AND PARKING GARAGES*

*Cross reference(s)--Stopping, standing and parking generally, § 150-86 et seq.

DIVISION 1. GENERALLY

Sec. 30-1066. Parking facility reservoirs.

- ° (a) A parking facility reservoir is an area located immediately inside the facility entrance and is to be used for the temporary storage of entering vehicles when the arrival rate exceeds the storage rate. In facilities where attendants, ticket dispensers or other devices are used to regulate or control entering vehicles, the reservoir shall be located between the street right-of-way and the point of control. Each vehicle space in the reservoir shall be 22 feet long and ten feet wide and, in addition, sufficient space shall be provided for turning and maneuvering.
- (b) All new off-street parking facilities, with the exception of residential and apartment parking facilities of less than 50 parking spaces, shall provide, as a minimum, the number of vehicle spaces in the inbound reservoir as required by this section.
- (c) In parking facilities of the attendant-parking type, the number of vehicle spaces in the inbound reservoir shall be not less than ten percent of the total parking capacity of the facility. Where multiple inbound lanes are used, each lane shall provide two or more vehicle spaces in the reservoir.
- (d) In parking facilities of the self-parking type, the number of inbound reservoir spaces shall be determined in the following manner:
 - (1) Facilities with capacities of 100 parking spaces or less shall provide two inbound reservoir spaces.
 - (2) Facilities with capacities exceeding 100 parking spaces shall provide two parking spaces plus one additional inbound reservoir space for each additional 100 parking spaces or fraction thereof.
 - (3) Where multiple inbound lanes are used, each lane shall provide two or more vehicle spaces in the reservoir.

(Code 1977, § 14-6276)

Secs. 30-1067--30-1080. Reserved.

DIVISION 2. PERMITS

Sec. 30-1081. Required; application.

- (a) Before any lot or building may be used for new off-street public parking facilities and before any off-street public parking facility may be expanded, the owner of the lot or building or the operator of the facility must first obtain from the mayor and council a permit for that use.
- (b) The application for the permit shall be filed with the bureau of traffic and transportation and shall contain the following information:
 - (1) The address and location of the lot or building involved;
 - (2) The capacity of the proposed facility;
 - (3) The proposed location of entrances and exits to the facility;
 - (4) The capacity and location of the reservoir space to be used for the receiving and temporary storage of incoming vehicles;
 - (5) The proposed parking plan showing the size and location of the parking stalls and the aisles to serve them;
 - (6) The location, width and general design of ramps or elevators to be used inside of structures; ~~and~~
 - (7) The fixed annual price, per space, which will be charged annually for parking upon or within the proposed park-for-hire facility; and
 - (8) Any other information required to enable the mayor and council to make a fair and complete appraisal of the operation of the proposed parking facility.

(Code 1977, § 14-6272)

Sec. 30-1082. Fee.

- (a) The applicant for a permit required by this division shall pay to the city an application fee before such application is submitted to the mayor and council. Such application fee shall consist of a fixed charge of \$100.00. The annual/renewal permit fees for a parking lot/garage are \$250.00 per lot. Additionally, annual/renewal fees for a parking space in a parking facility are \$3.00 per space. The annual application for the renewal of a permit shall include information including, but not limited to, the following:
 - (1) The address and location of the lot or building involved;
 - (2) The fixed annual price, per space, which will be charged annually for parking upon or within the park-for-hire facility;
 - (3) The capacity of the facility;
 - (4) The location of entrances and exits to the facility;
 - (5) The capacity and location of the reservoir space used for the receiving and temporary storage of incoming vehicles;
 - (6) The existing parking plan showing the size and location of the parking stalls and the aisles to serve them;
 - (7) The location, width and general design of ramps or elevators to be used inside of structures; and
 - (8) Any other information required to enable the mayor and council to make a fair and complete appraisal of the operation of the parking facility.

- (b) There shall be no refund of such application fee if the permit is rejected by the mayor and city council or due to circumstances which are not under the control of the city. However, the applicant may resubmit the application within 90 days of rejection by the mayor and council without paying an additional application fee.

(Code 1977, § 14-6272.1; Ord. No. 1999-14, § 4, 2-9-99)

Sec. 30-1083. Investigation, report on application.

Upon receipt of an application pursuant to section 30-1081, the director, bureau of traffic and transportation shall make a thorough and complete investigation and shall report thereon to the next meeting of the committee on transportation on such factors as:

- (1) The size of the proposed facility and especially in relation to the vehicular capacity of streets of ingress and egress;
- (2) The physical arrangements for ingress and egress;
- (3) The reservoir space for incoming and outgoing vehicles;
- (4) The effect of any plan for traffic improvement, such as the expressway program or major street plan on the flow or the pattern of traffic adjacent to the affected streets; and
- (5) The financial responsibility of the applicant.

(Code 1977, § 14-6273)

Sec. 30-1084. Time limit on validity of permit.

Any permit for an off-street parking facility granted by the mayor and council shall become void if the facility has not been placed in operation within 12 months after the approval of a parking lot or within 18 months after the approval of a parking garage.

(Code 1977, § 14-6274)

Sec. 30-1085. Reapplication after ceasing operation.

Any legal off-street parking facility which ceases operation for more than six months or for which no city business license is maintained for more than six months shall not subsequently be operated as a public parking facility, except by making a new application for and receiving from the mayor and council a permit as required by this division.

(Code 1977, § 14-6275)

Secs. 30-1086--30-1195. Reserved.

DIVISION 3. OPERATIONAL RULES

Sec. 30-1196. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attendant/cashier means a person on duty at any park-for-hire facility employed by or at the instance of the operator thereof.

Consumer means any person who does or would purchase, lease (from), or otherwise receive through payment, access to a park-for-hire facility, and the temporary or permanent consent of the owner or agent of the owner, to utilize a given space within the park-for-hire facility for the purpose of parking a vehicle.

Corporate boundaries of the city means that area enclosed by the city limits as defined in a certain document entitled "Corporate Boundaries of the City of Atlanta," dated January 1, 1973, on file in the office of the municipal clerk.

Environmental barriers means such barricades, chains, walls, gates, wheel stops or other like structures around the perimeter of any park-for-hire facility as may be required to reasonably regulate and control the ingress and egress to and from the facility and to eliminate the encroachment of any vehicles parked on the facility onto or over adjacent properties, including sidewalks, streets, alleys, etc.

Fixed annual price means the fixed fee, as submitted to the city, that will be charged for access to a park-for-hire facility, and the temporary or permanent consent of the owner or agent of the owner, to utilize a given space within the park-for-hire facility for the purpose of parking a motor vehicle.

Operator means the person who is the owner of and is responsible for the operation of each park-for-hire facility, whether such operator is in fact the title owner of the premises itself.

Park-for-hire means any facility for the parking of motorized vehicles, for which service or facility the owner, agent of the owner or operator thereof charges a fee.

Parking facility means any parking lot, parking garage or any other area provided for the principal purpose of supplying parking for motor vehicles.

Special events includes but is not limited to sporting events, athletic contests, concerts or any other event that generates a large volume of vehicles near the parking facility at times other than normal business hours.

Ticket/stub means a distinctive piece of paper, plastic or other similar substance, which shall have printed thereon a ticket number and the full name and address of the park-for-hire facility.

(Code 1977, § 14-6277(2))

Cross reference(s)--Definitions generally, § 1-2.

Sec. 30-1197. Scope.

This division shall apply to all park-for-hire facilities operated in the corporate boundaries of the city.

(Code 1977, § 14-6277(1))

Sec. 30-1198. Compliance required.

Compliance with this division shall be a precondition to any license issued by the city for the facilities regulated by this article. However, the enforcement of this article shall be the responsibility of the bureau of buildings.

(Code 1977, § 14-6277(11))

Sec. 30-1199. Violations.

Any person violating this division shall be given written notice, at such person's principal mailing address, of the violation. The person shall have 30 days from the date of such notice to remedy the violation described. If the particular violation has not been corrected 30 days after the date of the notice, the person shall be given a second written notice of the violation and shall be given 30 days from date of second notice to remedy the violation. If the violation has not been corrected on or before the 30th day after date of second notice, the person shall be deemed guilty of an offense.

(Code 1977, § 14-6277(14))

Sec. 30-1200. Barriers; tickets/stubs.

All park-for-hire facilities within the corporate boundaries of the city shall provide and maintain the following:

- (1) Automobile barriers; and
- (2) A ticket/stub to be issued upon the parking of any vehicle in a facility if the attendant/cashier parks the vehicle and retains the key. This section shall not preclude the issuance of a monthly permit in lieu of a ticket.

(Code 1977, § 14-6277(3))

Sec. 30-1201. Attendant/cashier.

This division shall not require that a park-for-hire facility employ an attendant/cashier; however, at any facility where such is provided, the sections of this division pertaining thereto shall apply.

(Code 1977, § 14-6277(4))

Sec. 30-1202. Uniforms of attendants/cashiers.

All attendants/cashiers at park-for-hire facilities which provide attendants/cashiers must be dressed in a uniform designated by the operator which readily identifies such attendants/cashiers as employees of the park-for-hire facility.

(Code 1977, § 14-6277(5))

Sec. 30-1203. Release of parked vehicles.

During posted business hours or any other hours of operation for special events at a park-for-hire facility where an attendant/cashier parks the vehicle and retains the key, no vehicle shall be removed from the facility without the proper ticket/stub being presented or without satisfactory proof of ownership of the vehicle. In the absence of presentation of the ticket/stub, but with satisfactory proof of ownership, the attendant/cashier may release the vehicle after first having the customer sign the customer's name to a book or other written record designated by the operator for such purposes, and the attendant/cashier shall record by each such signature the respective customer's driver's license number and state of issue, the state and tag license number of the vehicle and the manufacturer's identification number of the vehicle.

(Code 1977, § 14-6277(6))

Sec. 30-1204. Lighting.

Reasonable lighting shall be required for each park-for-hire facility during the hours that the facility is open for business. Subsection (2) of this section shall only be required at new facilities. Where applicable, public street lighting may be utilized to either partially or totally fulfill the following requirements; however, where such street lighting is removed it shall be the responsibility of the parking facility to independently provide these required levels of illumination.

- (1) *Open parking facilities.* For open-area parking, three levels of activity shall be established as high, medium and low. The levels shall reflect both traffic density and intensity and shall include but are not limited to the following:

- a. *High activity.*

1. Major league athletic events.
2. Major cultural or civic events.
3. Major regional shopping centers.

b. Medium activity.

1. Fast food facilities.
2. Area shopping centers.
3. Hospital parking areas.
4. Transportation parking (airports and other similar parking areas).
5. Cultural, civic or recreational events.
6. Residential complex parking.

c. Low activity.

1. Local merchant parking.
2. Industrial employee parking.
3. Educational facility parking.

The minimum safety illuminance value for areas used by the public in open parking facilities for such levels of activity shall be as follows:

<i>Level of Activity</i>	<i>Lux</i>	<i>Footcandles</i>
Low activity	2	0.2
Medium activity	6	0.6
High activity	10	0.9

(2) Open and covered parking facilities with more than one level.

Minimum Illumination

<i>Area</i>	<i>Intensity (in Footcandles)</i>
Stairways and exits....	10
Interior driving aisles center line....	5
Interior parking areas at barrier railings....	0.5
Roof parking areas....	0.5

(Code 1977, § 14-6277(7))

Sec. 30-1205. Notices.

All park-for-hire facilities shall post a notice at any entrance to the parking facility, which shall be reasonably visible to a customer in the driver's seat of a vehicle after the vehicle is at least partially on the parking facility premises and which notice shall set forth:

- (1) The telephone number of the principal office of the operator of the parking facility;
- (2) The business hours of operation of that parking facility lot, i.e., time of opening and closing;
- (3) The approved fixed annual price which shall be required of any parking patron for the use of the park-for-hire facility, in characters not less than eight (8) inches in height, and not more than fourteen (14) inches in height. The rates for any and all fees which shall be required of any parking patron for the use of the park for hire facility. Such notice must include the highest price which shall be charged for special events.
- (4) During the approved period for the permit for a temporary increase to the fixed annual price, any fee approved as a temporary increase of the fixed annual price, in characters not less than eight (8) inches in height, and not more than fourteen (14) inches in height.

(Code 1977, § 14-6277(8))

Sec. 30-1206. Responsibilities during business hours.

A park-for-hire facility shall be operated and fees chargeable only during business hours as posted on its notices required under section 30-1205 or during the hours of operation for special events. At facilities where an attendant/cashier is provided, the operator shall have no responsibility to provide an attendant/cashier during nonbusiness hours.

(Code 1977, § 14-6277(9))

Sec. 30-1207. Monthly parking facilities.

In park-for-hire facilities which provide only monthly parking, the sections of this division pertaining to issuance of a ticket/stub shall not be required. However, all other sections of this division shall be required.

(Code 1977, § 14-6277(10))

Sec. 30-1208. Increase to fixed annual price limited.

- (a) Increase to the fixed annual price. Prior to sixty (60) days before a proposed permanent increase of the approved fixed annual price, the owner or the agent of the

owner of any park-for-hire facility within the city must first obtain from the mayor and the city council a permit to allow for a permanent increase of the fee to be charged for access to the parking facility, for the purpose of parking a motor vehicle.

(1) The owner or agent of the owner of any park-for-hire facility shall make available upon demand, to any consumer or agent of the city, a copy of the permit for a permanent fixed annual price as approved by the mayor and the city council.

(2) A permit for a permanent increase of the fixed annual price shall be for a consecutive period not less than ninety (90) days.

(3) No permit for a permanent increase of the fixed annual price shall be granted by the city between November 1 of any current calendar year and January 1 of the following year.

(b) Temporary permit. Prior to sixty (60) days before any proposed temporary increase of the approved fixed annual price, the owner or the agent of the owner of any parking facility within the city must first obtain from the mayor and the city council a permit to allow for a temporary increase of the fee to be charged for access to the parking facility, for the purpose of parking a motor vehicle.

(1) The owner or agent of the owner of any parking facility shall make available upon demand, to any consumer or agent of the city, a copy of the temporary price increase permit as approved by the mayor and the city council.

(2) A temporary permit for an increase of the fixed annual price shall be for a consecutive period not less than three (3) days.

(3) A temporary permit for an increase of the fixed annual price shall be for a consecutive period not to exceed ten (10) days.

(c) Specifically prohibited. Within any given consecutive period of ninety (90) days, no owner or agent of the owner of any parking facility within the city shall cause, permit or allow the fee charged for access to the parking facility, for the purpose of parking a motor vehicle, to be increased more than 100% of the approved fixed annual price, as provided according to the requirements of Section 30-1081 (8).

Sec. 30-1209. Enforcement procedures.

(a) Violation of any provision of this article shall be cause for a citation to be issued by any police officer or any other sworn city personnel, according to procedures set forth in the City Code of Ordinances.

(b) In lieu of issuing a citation, the City can issue an order requiring any parking facility found in violation of this article to meet compliance within a reasonable period, not to exceed thirty (30) days, according to the guidelines that the City may prescribe.

(c) Penalties. Any person convicted of a violation of any provision of this article shall be subject to the following penalties:

- (1) *First offense.* A fine not more than \$500.00, or a period of confinement in the city jail not to exceed ten (10) days and a probationary period not to exceed sixty (60) days, or both.
- (2) *Second offense.* A fine not more than \$1,000.00, or a period of confinement in the city jail not to exceed thirty (30) days and a probationary period not to exceed one-hundred eighty (180) days, or both.
- (3) *Third offense.* A fine of \$1,000.00, or a period of confinement in the city jail not to exceed six (6) months and a probationary period not to exceed one (1) year, or both.
- (4) *Revocation of permit.* In addition to any other penalties provided in this section, any permit issued to the owner or the agent of the owner of any park-for-hire facility found in violation of any provision of this article two (2) or more times within any one (1) year period shall be subject to revocation.

Secs. 30-1210--30-1230. Reserved.